

**PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must file in the name of the state where judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

**PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

*Instructions – Read Carefully*

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$ \_\_\_\_\_, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

United States District Court		District	SUFFOLK COUNTY
Name	Christopher R. Bousquet	Prisoner No.	W-44500 Case No. SJ-99-0051
Place of Confinement	SOUZA-BARANOWSKI CORRECTIONAL CENTER PO BOX 8000 SHIRLEY, MASS. 01464		
Name of Petitioner (include name under which convicted)	Christopher R. Bousquet v. Edward Ficco		
Name of Respondent (authorized person having custody of petitioner)			
The Attorney General of the State of: Thomas F. Reilly			
PETITION			
<p>1. Name and location of court which entered the judgment of conviction under attack <u>COMMON WEALTH</u>  <u>of MASSACHUSETTS, Supreme Judicial Court.</u></p> <p>2. Date of judgment of conviction <u>AUGUST 9, 2001</u></p> <p>3. Length of sentence <u>1ST degree LIFE</u></p> <p>4. Nature of offense involved (all counts) <u>MURDER</u></p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>5. What was your plea? (Check one)</p> <p>(a) Not guilty <input checked="" type="checkbox"/></p> <p>(b) Guilty <input type="checkbox"/></p> <p>(c) Nolo contendere <input type="checkbox"/></p> <p>If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:</p> <p>_____</p> <p>_____</p> <p>_____</p>			
<p>6. If you pleaded not guilty, what kind of trial did you have? (Check one)</p> <p>(a) Jury <input checked="" type="checkbox"/></p> <p>(b) Judge only <input type="checkbox"/></p> <p>7. Did you testify at the trial?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>8. Did you appeal from the judgment of conviction?</p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>			

9. If you did appeal, answer the following:

(a) Name of court Supreme Judicial Court of MASS.

(b) Result Judgement Affirmed

(c) Date of result and citation, if known July 5, 1990

(d) Grounds raised JUVENILE TRANSFER, INEFFECTIVE  
ASSISTANCE OF COUNSEL, VOLUNTARY INTOX, CAPACITY.

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following: 44

(1) Name of court Superior Court Bristol County 19043

(2) Result Denied without hearing, O'Neill

(3) Date of result and citation, if known NOV. 18, 1997

(4) Grounds raised TRANSFER HEARINGS, INEFFECTIVE ASSISTANCE OF COUNSEL, CRIMINAL RESPONSIBILITY

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes  No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Supreme Judicial Court SUFFOLK County

(2) Nature of proceeding Appeal denial of motion for new trial.

(3) Grounds raised hearings, representation mental capacity - crim. responsibility, etc.

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

3/21/01 CORDY, J.

(5) Result

denied

ROBERT CORDY ASS. JUSTICE

(6) Date of result

AUGUST 9, 2001

NEW DOCKET DATE OF 7-9-03, NEVER PREVIOUSLY INFORMED

(b) As to any second petition, application or motion give the same information:

(1) Name of court

(2) Nature of proceeding

(3) Grounds raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(5) Result

(6) Date of result

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc.

Yes

No

(2) Second petition, etc.

Yes

No

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

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12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: (B) - I was manipulated into making confession, did not realize self incrimination  
Supporting FACTS (state briefly without citing cases or law) Video Taped  
CONFESSiON - EXHIBiT A

B. Ground two: (B) Thus said same above -

Supporting FACTS (state briefly without citing cases or law) I Thought I  
would do time for my guilty - They  
Made a oral deal before the taping,  
and though I waived my rights, I  
was not aware and did not realize  
Law, etc -

C. Ground three:

(1) in effective assistance

Supporting FACTS (state briefly without citing cases or law)

Though denied all  
STATE Appeals on These said Grounds -  
I feel I was let down by trial  
lawyer - even SJC said he did not raise  
Criminal responsibility - in their orders  
I feel I was pushed through and got  
a first degree - I feel its to much.

D.

Ground four: mental capacity - criminal responsibility -

Supporting FACTS (state briefly without citing cases or law)

I was not an  
adult when crime happened - I did  
not know and realize my actions were  
so great - psych. (report in my case)  
which was argued should have been used  
and was not -

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: I'm sure

Theres some like mental capacity - either  
Thru crim. respon - and or others - I'm not  
a lawyer and need one - I'm trying best I can

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes No 

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a)

At preliminary hearing

KENNITH SULLIVAN

(b)

At arraignment and plea

KENNITH SULLIVAN

(c) At trial Kenneth Sullivan(d) At sentencing Kenneth Sullivan 257 NO MAIN ST  
FALL RIVER, MASS. 678-8388 (Retired)(e) On appeal Eileen Agnes 10 Palmer Road  
FRAMINGHAM, MASS 01701 508-879-7474

(f) In any post-conviction proceeding \_\_\_\_\_

(g) On appeal from any adverse ruling in a post-conviction proceeding 10 South Main St  
JAMES A. Couture Belcher Town, MA 01007  
~~1000-413-323-7486~~

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes  No 

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No 

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No 

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3-23-04

(date)

Christopher L. Bouquet\_\_\_\_\_  
Signature of Petitioner



**PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

**PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

*Instructions – Read Carefully*

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$ \_\_\_\_\_, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

United States District Court		District	SUFFOLK COUNTY	
Name	CHRISTOPHER R. BOUSQUET	Prisoner No.	W-44500	Case No.
Place of Confinement	SOUZA-BARANOWSKI CORRECTIONAL CENTER PO BOX 8000 SHIRLEY, MASS. 01464			
Name of Petitioner (include name under which convicted)	Name of Respondent (authorized person having custody of petitioner)			
CHRISTOPHER R. BOUSQUET	V. Edward Ficco, S.B.C.C.			
The Attorney General of the State of: Thomas F. Reilly				
PETITION				
1. Name and location of court which entered the judgment of conviction under attack <u>COMMON WEALTH</u> <u>of MASSACHUSETTS, Supreme Judicial Court.</u>				
2. Date of judgment of conviction <u>August 9, 2001</u>				
3. Length of sentence <u>1ST degree LIFE</u>				
4. Nature of offense involved (all counts) <u>Murder.</u>				
<hr/> <hr/> <hr/>				
5. What was your plea? (Check one)				
(a) Not guilty <input checked="" type="checkbox"/>				
(b) Guilty <input type="checkbox"/>				
(c) Nolo contendere <input type="checkbox"/>				
If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details: <hr/> <hr/>				
6. If you pleaded not guilty, what kind of trial did you have? (Check one)				
(a) Jury <input checked="" type="checkbox"/>				
(b) Judge only <input type="checkbox"/>				
7. Did you testify at the trial? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
8. Did you appeal from the judgment of conviction? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>				

9. If you did appeal, answer the following:

(a) Name of court Supreme Judicial Court of MASS.

(b) Result Judgement Affirmed

(c) Date of result and citation, if known July 5, 1990

(d) Grounds raised JUVENILE TRANSFER, INEFFECTIVE  
ASSISTANCE OF COUNSEL, VOLUNTARY INTOX, CAPACITY.

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following: 44

(1) Name of court Superior Court Bristol County 19043

(2) Result Denied without hearing, O'Neill

(3) Date of result and citation, if known NOV. 18, 1997

(4) Grounds raised TRANSFER HEARINGS, INEFFECTIVE ASS-  
ISTANCE OF COUNSEL, CRIMINAL RESPONSIBILITY.

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes  No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Supreme Judicial Court Suffolk County

(2) Nature of proceeding Appeal denial of motion for new  
trial.

(3) Grounds raised hearings, REPRESENTATION mental  
CAPACITY - CRIM. RESPONSIBILITY, ETC.

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No

(5) Result denied

*ROBERT CORDY ASS. JUSTICE*

(6) Date of result AUGUST 9, 2001

*NEW DOCKET DATE 10F 7-9-03, NEVER PREVIOUSLY FORWARDED*

(b) As to any second petition, application or motion give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes  No   
 (2) Second petition, etc. Yes  No

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: (B) - I was manipulated into making confession, did not realize self incrimination  
CONFESSiON - EXHIBIT A Video Taped

Supporting FACTS (state briefly without citing cases or law)

B. Ground two: (B) Thus said same as one -

Supporting FACTS (state briefly without citing cases or law)

I Thought I  
would do time for my guilty - They  
made a oral deal before the taping,  
and though I waived my rights, I  
was not aware and did not realize  
law, etc -

C. Ground three:

(1) ineffective assistance-

Supporting FACTS (state briefly without citing cases or law)

Though denied all  
 STATE Appeals on These said grounds -  
 I feel I was let down by trial  
 Lawyer - even SJC said he did not raise  
 CRIMINAL RESPONSIBILITY - in their orders  
 I feel I was pushed through and got  
 a first degree - I feel its to much.

D.

Ground four: mental capacity - criminal responsibility -

Supporting FACTS (state briefly without citing cases or law)

I was not an  
 Adult when crime happened - I did  
 not know and realize my actions were  
 so great - psych. (report in my case)  
 which was argued should have been used  
 and was not -

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: I'm sure

Theres some like mental capacity - rather  
 than crim. respon - and on others - I'm not  
 a lawyer and need one - I'm TRYING best I can

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes  No 

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing

KENNETH SULLIVAN

(b) At arraignment and plea

KENNETH SULLIVAN

(c) At trial Kenneth Sullivan

(d) At sentencing Kenneth Sullivan 257 NO MAIN ST  
Fall River, Mass. 678-8388 (Retired)

(e) On appeal Eileen Agnes 10 Palmer Road  
Framingham, Mass 01701 508-879-7474

(f) In any post-conviction proceeding \_\_\_\_\_

(g) On appeal from any adverse ruling in a post-conviction proceeding 10 South Main St  
James A. Couture Belcher Town, MA  
2008-413-323-7486

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes  No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
 Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3-23-04

(date)

Christopher R. Gougeon  
 \_\_\_\_\_

Signature of Petitioner



**PETITION UNDER 28 USC § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. § 2255, in the federal court which entered the judgment.)

**PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

*Instructions – Read Carefully*

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under the penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form.
- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed *in forma pauperis*, in which event you must execute form AO 240 or any other form required by the court, setting forth information establishing your inability to pay the costs. If you wish to proceed *in forma pauperis*, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your personal account exceeds \$ \_\_\_\_\_, you must pay the filing fee as required by the rules of the district court.
- (5) Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and at least two copies must be mailed to the Clerk of the United States District Court whose address is
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

United States District Court	District	SUFFOLK COUNTY	
Name	Christopher R. Bousquet	Prisoner No.	Case No.
Place of Confinement	SOUZA-BARANOWSKI CORRECTIONAL CENTER PO BOX 8000 SHIRLEY, MASS. 01464		
Name of Petitioner (include name under which convicted)	Christopher R. Bousquet		
Name of Respondent (authorized person having custody of petitioner)		Edward Ficco S.B.C.C.	
The Attorney General of the State of:		Thomas F. Reilly	

## PETITION

1. Name and location of court which entered the judgment of conviction under attack COMMON WEALTH

of MASSACHUSETTS, Supreme Judicial Court.

2. Date of judgment of conviction AUGUST 9, 2001

3. Length of sentence 1ST degree LIFE

4. Nature of offense involved (all counts) MURDER

5. What was your plea? (Check one)

(a) Not guilty

(b) Guilty

(c) Nolo contendere

If you entered a guilty plea to one count or indictment, and not a guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury

(b) Judge only

7. Did you testify at the trial?

Yes  No

8. Did you appeal from the judgment of conviction?

Yes  No

9. If you did appeal, answer the following:

(a) Name of court Supreme Judicial Court of MASS.

(b) Result Judgement Affirmed

(c) Date of result and citation, if known July 5, 1990

(d) Grounds raised JUVENILE TRANSFER, INEFFECTIVE  
ASSISTANCE OF COUNSEL, VOLUNTARY INTOX, CAPACITY.

(e) If you sought further review of the decision on appeal by a higher state court, please answer the following: 44

(1) Name of court Superior Court Bristol County 19043

(2) Result Denied without hearing, O'Neill

(3) Date of result and citation, if known NOV. 18, 1997

(4) Grounds raised TRANSFER HEARINGS, INEFFECTIVE ASS-  
ISTANCE OF COUNSEL, CRIMINAL RESPONSIBILITY -

(f) If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to each direct appeal:

(1) Name of court \_\_\_\_\_

(2) Result \_\_\_\_\_

(3) Date of result and citation, if known \_\_\_\_\_

(4) Grounds raised \_\_\_\_\_

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal?

Yes  No

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court Supreme Judicial Court Suffolk Court

(2) Nature of proceeding Appeal denial of motion for new  
TRIAL.

(3) Grounds raised HEARINGS, REPRESENTATION MENTAL  
CAPACITY - CRIM. RESPONSIBILITY, ETC.

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
 Yes  No

(5) Result denied

*ROBERT CORDY ASS. JUSTICE*

(6) Date of result AUGUST 9, 2001

*NEW DOCKET DATE 10F 7-9-03, NEVER PREVIOUS INFORMATION*

(b) As to any second petition, application or motion give the same information:

(1) Name of court \_\_\_\_\_

(2) Nature of proceeding \_\_\_\_\_

(3) Grounds raised \_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes  No

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes  No   
 (2) Second petition, etc. Yes  No

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the *facts* supporting each ground. If necessary, you may attach pages stating additional grounds and *facts* supporting the same.

Caution: In order to proceed in the federal court, you must ordinarily first exhaust your available state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.



For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (h) Denial of right of appeal.

A. Ground one: (B) - I was manipulated into making confession, did not realize self incrimination  
Supporting FACTS (state briefly without citing cases or law) Video Taped  
CONFESSTION - EXHIBIT A

B. Ground two: (B) Thus said same above -

Supporting FACTS (state briefly without citing cases or law) I Thought I  
would do time for my guilty - They  
made a oral deal before the taping,  
and though I waived my rights, I  
was not aware and did not realize  
LAW, ETC -

C. Ground three:

(1) in effective assistance-

Supporting FACTS (state briefly without citing cases or law)

Though denied all  
 STATE Appeals on these said grounds -  
 I feel I was let down by trial  
 Lawyer - even SJC said he did not raise  
 Criminal responsibility - in their orders  
 I feel I was pushed through and got  
 a first degree - I feel its to much,

D.

Ground four: mental capacity - criminal responsibility -

Supporting FACTS (state briefly without citing cases or law) I was not an  
adult when crime happened - I did  
not know and realize my actions were  
so great - psych. (report in my case)  
which was argued should have been used  
and was not -

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not so presented, and give your reasons for not presenting them: I'm sure

Theres some like mental capacity - rather  
than crim. respons - and others - I'm not  
a lawyer and need one - I'm trying best I can

14. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack?

Yes  No 

15. Give the name and address, if known, of each attorney who represented you in the following stages of judgment attacked herein:

(a) At preliminary hearing

Kenneth Sullivan

(b) At arraignment and plea

Kenneth Sullivan

(c) At trial Kenneth Sullivan

(d) At sentencing Kenneth Sullivan 257 NO MAIN ST  
Fall River, Mass. 678-8388 (Retired)

(e) On appeal Eileen Agnes 10 Palmer Road  
Framingham, Mass 01701 508-879-7474

(f) In any post-conviction proceeding \_\_\_\_\_

(g) On appeal from any adverse ruling in a post-conviction proceeding 10 South Main St  
James A. Couture Belcher Town, MA  
508-413-323-7486

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and the same time?

Yes  No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes  No

(a) If so, give name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes  No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
 Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

3-23-04

(date)

Christopher R. Bourque  
 \_\_\_\_\_  
 Signature of Petitioner